



2-12-10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Hamann *et al.* Art Unit : 1624
Serial No. : 10/712,456 Examiner : V. Balasubramanian
Filed : November 13, 2003 Confirm. No. : 9300
Patent No. : 7,632,858 Cust. No. : 7202
Issued : December 15, 2009
Title: **OPEN-CHAIN PROLYL UREA-RELATED MODULATORS OF ANDROGEN RECEPTOR FUNCTION**

Mail Stop OFFICE OF PETITIONS / OPLA

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT AT ISSUANCE PURSUANT TO
COMMENT 43 OF THE FINAL RULE

Dear Sir:

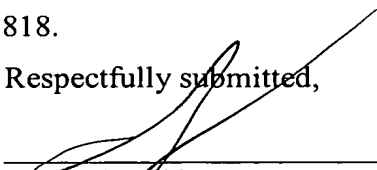
On the basis of good faith and candor, Applicant would like to bring the Office's attention to the Patent Term Adjustment (PTA) calculation included in the *Determination of Patent Term Adjustment* at Issuance, as of December 15, 2009, for the above-referenced application, which indicates the Total PTA is 535 days. The Applicant (APPL) Delay days of 125 may be understated, which could result in the recalculated Total PTA being longer than appropriate.

Please review these PTA calculations with attention to the *Amendment Pursuant to 37 C.F.R. §1.31* filed October 07, 2009, and the subsequent Examiner's response mailed on October 23, 2009.

Applicant also requests recalculation of Patent Term Adjustment in view of *Wyeth* as USPTO Delays days appear understated as well. This request is included in this letter as the new PTO/SB/131 form "*REQUEST FOR RECALCULATION FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*" states it is for pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A) only, and thus would not address the APPL Delay calculation error(s) above.

Applicant believes that no fee is due at this time. Any fees that may be due, however, may be applied to Deposit Account No. 02-1818.

Respectfully submitted,


Stephanie Seidman
Reg. No. 33,779

Attorney Docket No. 3800024.00560 / 4207
Address all correspondence to: 77202
Stephanie Seidman
K&L Gates LLP
3580 Carmel Mountain Road, Suite 200
San Diego, California 92130
Telephone: (858) 509-7410
Facsimile: (858) 509-7460
email: stephanie.seidman@klgates.com

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number EM 315456007 US
Date of Deposit: **February 08, 2010**

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.


Jon Levy